

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:09CV23
)
vs.) ORDER
)
ELIZABETH ANDERSON and)
UNIFUND CCR PARTNERS,)
)
Defendants.)

This matter is before the court *sua sponte*, pursuant to [NECivR](#) 41.1, the court may, at any time, dismiss an action for lack of prosecution when it appears the case is not being prosecuted with reasonable diligence. The record reveals the complaint was filed on January 15, 2009. See [Filing No. 1](#) - Complaint. The government filed a notice of executing a summons on each of the defendants. Based on the filings the summonses were executed on April 13 and April 18, 2009, respectively. No other action has taken place in this matter. The answers are now past due. It remains the plaintiff's duty to go forward in prosecuting the case by, for example, filing a motion for the Clerk's entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR](#) 55.1(a). Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on June 15, 2009**, to file a motion for Clerk's entry of default or show cause why this case should not be dismissed for failure to prosecute the defendants.

Dated this 1st day of June, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge